D.B. CIVIL SPECIAL APPEAL NO.598/2002
(Nari Shakti Manch Vs. State & Ors.)

Date of order : 22.8.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. H.K. Jain, for the appellant.
Mr. R.K. Singhal, for the respondents.

Having heard learned counsel for the parties, we are of the opinion that there is no merit in this appeal.

The respondent No.3 was having a license for running a fair price shop for disbursement of essential commodities. The said license was cancelled by the respondent No.2. Against the cancellation of the license by the respondent No.2, the respondent No.3 preferred an appeal before the respondent No.1. By order dated 7.6.2002, the order of cancellation of license was set aside as before cancelling the license, no charge-sheet or notice was issued to the licensee. As a consequence of the order dated 7.6.2002, the license of the respondent No.3 was restored by order dated 27.6.2002.

The appellant has challenged the restoration of the license by order dated 27.6.2002. However, the order dated 7.6.2002 setting aside the order of

cancelling the license was not subjected to challenge in the writ petition. Taking note of the fact, the writ petition was dismissed that since the foundation of the order dated 27.6.2002 is not subject matter of challenge and order dated 27.6.2002 is being merely given effect to the order dated 7.6.2002, no relief can be granted. In this view of the matter, learned Single Judge dismissed the writ petition vide order dated 16.8.2002.

The facts speak for themselves that since the order cancelling the license of respondent No.3 has been set aside by the competent authority and that order is not subject matter of challenge, the order dated 27.6.2002 could not be challenged independently and no error can be found in the view taken by learned Single Judge.

Consequently, the appeal fails and is hereby dismissed. No costs.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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